

**STATE OF MICHIGAN
IN THE SUPREME COURT**

THE PEOPLE OF THE STATE OF MICHIGAN

Plaintiff-Appellee,

v

Supreme Court
No. 154445

JOHNNY RAY KENNEDY,

Defendant-Appellant.

Third Circuit Court No. 14-001748-FC
Court of Appeals No. 323741

ANSWER OPPOSING APPLICATION FOR LEAVE TO APPEAL

KYM L. WORTHY
Prosecuting Attorney
County of Wayne

JASON W. WILLIAMS
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PLAINTIFF-APPELLEE'S ANSWER OPPOSING
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The People of the State of Michigan, through Kym L. Worthy, Prosecuting Attorney, County of Wayne, JASON W. WILLIAMS, Chief of Research, Training, and Appeals, and Ana I Quiroz, Assistant Prosecuting Attorney, ask this Court to deny defendant's application for leave to appeal.

1. Defendant's application relies on the same arguments he made in the Court of Appeals.
2. The People's brief in the Court of Appeals adequately addresses this issue. See the People's brief on appeal, attached.
3. The Court of Appeals did not clearly err in rejecting defendant's arguments and affirming his conviction. MCR 7.305.
4. Defendant's application does not demonstrate any other grounds for granting leave to appeal. MCR 7.305.
5. To the extent Defendant raises issues in his application that he did not raise in the Court of Appeals, review is foreclosed since there is no "decision by the Court of Appeals" to review.

MCR 7.305. See also this Court's order denying leave in *People v Holloway*, 35 Mich App 420; lv den 387 Mich 772 (1972): "[A]n appellant may not raise in this Court an issue not presented to the Court of Appeals."

6. In sum, Defendant's application raises no issues worthy of this Court's review.

Relief

THUS, Defendant's application for leave to appeal should be denied.

Respectfully submitted,

KYM WORTHY
Prosecuting Attorney
County of Wayne

JASON W. WILLIAMS
Chief of Research,
Training, and Appeals

s/ Ana Quiroz
ANA I QUIROZ (P-43552)
Assistant Prosecuting Attorney
11th Floor, 1441 St. Antoine
Detroit, Michigan 48226
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Date: 10/27/16

ATTACHMENT A

BRIEF ON APPEAL
NO ORAL ARGUMENT REQUESTED